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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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October 31, 1991

TO: Minerals File

FROM: D. Wayne Hedberg, Permit Supervisor *DWH*

RE: Division Meeting, RDM&S and D&M Mining Partnerships, Whiterock Claims and Edwards Canyon Limestone Projects, M/045/001 and M/045/009, Tooele County, Utah

Date of Meeting: October 31, 1991, 1991  
Time of Meeting: 10:00 - 11:00 AM  
Meeting Location: Division Offices, Triad #3, SLC, Utah  
Participants: D. Wayne Hedberg and Anthony Gallegos - DOGM  
Jack W. Madsen - RDM&S Representative

A meeting was held on October 31, 1991, at the Division of Oil, Gas and Mining, between Minerals Program technical staff, D. Wayne Hedberg and Anthony Gallegos, and Mr. Jack W. Madsen, RDM&S Representative. The purpose of the meeting was to discuss the status of the Division's findings regarding the review of the permitting chronology for the above referenced mining notices.

Permit applications were processed and approved by the Division for both projects in 1976 and 1980, respectively. Reclamation sureties were never filed for either operation, no mining was ever initiated, and the files were subsequently retired and archived by the Division in 1986. Mr. Madsen recently requested that the archived files be retrieved by the Division. He is now interested in reactivating the NOI's, anticipating commencement of actual mining activities according to the originally approved permit applications for one or both of these projects.

On October 28, 1991, the Division mailed a letter to Mr. Madsen which outlined the Division's position regarding the applicability and validity of the older approved mining notices. Mr. Madsen indicated he had not yet received this letter. He was given a copy of the letter at the meeting. Mr. Madsen argued that his original approvals should still be valid because there was no time limit established by the

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Division regarding the limitations or longevity of NOI (permit) approval. He also indicated that he was never notified that his mine files were being retired by the Division.

Mr. Madsen requested and was given copies of the Division's tentative approval letters from the correspondence files for both operations. A final approval letter for the Whiterock Claims Project (M/045/001) was also copied. Mr. Madsen insisted that there should also have been a final approval letter in the file record for the Edwards Canyon Project (M/045/009). We were not able to locate a final approval letter in the permitting correspondence file for this mine. He indicated he no longer had his own personal records of the past permitting correspondence to verify his position.

Mr. Madsen was also given copies of the 1990 state mining statute, the latest December 1988 minerals rules, the NOI application forms, and a list of other permits required to mine in Utah. We indicated to Mr. Madsen that if he decides to proceed with repermitting his operations under the latest revised rules, we would be willing to sit down and discuss the current permitting requirements and the applicability of his previously submitted permitting documentation.

Mr. Madsen indicated that he would likely pursue appealing the Division's current position requiring him to repermit these operations to the Director and/or Board. He stated he would also like to talk to the Associate Director of Mining, Mr. Lowell Braxton. He indicated upon conclusion of the meeting, that we may shortly hear from his attorney in this matter (Pruitt and Gushee).

dwh/jb  
cc: Lowell Braxton  
Minerals staff  
M045001.1